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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,155	11/22/2000	Toshiya Hamada	450100-02854	3467
20999	7590	02/23/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/721,155	Applicant(s) HAMADA ET AL.	
	Examiner HUY T NGUYEN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawabe et al (5,966,352).

Regarding claim 6, Sawabe discloses a recording/reproduction apparatus (Fig. 6, column 14 lines 10-45) for recording or reproducing AV data onto or from a recording medium, comprising:

readout means (80,81)) for reading out a reproduction list (program chains of titles) recorded on the recording medium;

extraction means for extracting information representative of a state (interleaved and angle flags Fig. 5, column 13, lines 5-15) of at least one end of a range of reproduction from among at least more than one piece of reproduction range information which forms the reproduction list (column 14, lines 26-45); and

reproduction means for reproducing the AV data recorded on the recording medium based on the information representative of the state of the at least one end of

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the range of reproduction extracted by said extraction means (column 11, lines 25-35, column 13, lines 5-10).

Method claims 7 and 8 correspond to apparatus claim 6. Therefore, method claims 7 and 8 are rejected by the same reason as applied to apparatus claim 6.

Further for claim 8, Sawabe further teaches a program stored in a computer readable medium, since Sawabe teaches that the reproducing apparatus comprises a system controller using a program to perform the steps of claim 8 (Fig. 1, column 14 lines 1- 45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawabe et al (5,966,352) in view of Mishina (5,745,643).

Regarding claim 1, Sawabe teaches a recording/reproduction apparatus for recording or reproducing AV data onto or from a recording medium, comprising:

AV data file recording means for recording an AV data file (AV program) obtained by converting the AV data into a file onto the recording medium;

production means for producing reproduction range information (start or end of a cell or unit) representative of a range of reproduction of the AV data file (Fig. 1) ;

classification means for classifying a state of at least one end of the range of reproduction (Fig. 5, column 10, line 50 to column 11, line 47) ;

addition means for adding information (flag information) representative of a result of the classification of said classification means to the reproduction range information (column 11, line 35-47, Fig. 5);

preparation means for arranging at least more than one piece of the reproduction range information in order for reproduction to prepare a reproduction list (a video object of a video title)(Fig. 1, column 12, lines 1-25): and

reproduction list recording means for recording the reproduction list onto the recording medium (Figs. 1,5, column 12 line 1-25).

Sawabe fails to specifically teach that the AV data are recorded as files .

Mishina teaches an apparatus having a converting means for recording AV data on a medium as a file (column 7, line 60 to column 11, line 10).

It would have been obvious to one of ordinary skill in the art to modify Sawabe with Mishina by providing the apparatus of Sawabe with a converting means as taught by Mishina for recording AV data as a file thereby easily accessing the recorded AV data .

Method claims 4 and 5 correspond to apparatus claims 1. Therefore, method claims 4 and 5 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 5, Sawabe further teaches a computer readable program stored on a medium used for performing the method since the apparatus of Sawabe using a controller to execute the processing and generating the control data including a reproducing list and classification information (column 12) .

Regarding claim 2 Sawabe further teaches said classification means classifies the state of at least one end of the reproduction range into one of four types (Fig. 5).

Regarding claim 3, Sawabe further teaches formation means for forming a bridge sequence in response to a result of the classification of said classification means (column 11, lines 1-5).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kikuchi et al and Maruyama et al teach apparatus for recording program chain information . Fujinami et al teaches apparatus for reproducing titles based on flag information .

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T. NGUYEN
PRIMARY EXAMINER